

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NEWPORT NEWS DIVISION**

JOHN M. PITMAN, III, <i>et al.</i>,)	
)	
Plaintiffs,)	
)	
vs.)	Civil Action No.: 4:16-cv-00179
)	
XCENTRIC VENTURES, LLC, <i>et al.</i>,)	
)	
Defendants.)	
_____)	

**REQUEST FOR ENTRY OF DEFAULT AGAINST DEFENDANT
DARREN M. MEADE**

Come now the Plaintiffs, John Pitman, III and Peninsula Plastic Surgery, Ltd. (collectively the “Plaintiffs”), by counsel, and hereby request the Clerk to enter default against Defendant Darren M. Meade pursuant to Federal Rule of Civil Procedure 55(a). In support of their request, the Plaintiffs state as follows:

1. On October 5, 2016, the Plaintiffs filed their Complaint against the Defendants in the Circuit Court for Williamsburg/James City County, Virginia.
2. On December 7, 2016, this action was removed to this Court.
3. After removal, the Plaintiffs spent significant time and effort attempting to locate and serve Defendant Darren M. Meade.
4. On May 3, 2017, the Court ordered that the Plaintiffs show cause as to why Darren M. Meade was not served within 90 days as required by the Federal Rules of Civil Procedure. A hearing was held concerning the show cause and the Plaintiffs presented evidence as to their efforts in attempting to locate and serve Darren M. Meade. The show cause was denied on May 11, 2017.

5. On May 31, 2017, the Plaintiffs moved to serve Darren M. Meade via an Order of Publication. The Court granted the motion on June 8, 2017 and an Order of Publication was issued.

6. The Order of Publication was subsequently published once a week for four consecutive weeks in the Orange County Register and posted at the front door of the United States Courthouse as directed in this Court's Order dated June 8, 2017. [Ecf. No. 90]. A copy was also mailed to Darren M. Meade at his last known address. *See* **Exhibit A**.

7. The Order of Publication required Defendant Darren M. Meade to file responsive pleadings on or before July 28, 2017. To date, Darren M. Meade has failed to file any responsive pleadings. *See* **Exhibit A**.

8. Where Defendants have "failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default." Fed. R. Civ. P. 55(a).

9. An affidavit in support of this request is attached hereto as **Exhibit A**.

Wherefore, the Plaintiffs respectfully request that the Clerk of Court enter default against Defendant Darren M. Meade as to all claims asserted by the Plaintiffs.

Respectfully submitted,

JOHN M. PITMAN, III, and
PENINSULA PLASTIC SURGERY
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CERTIFICATE OF SERVICE

I hereby certify that on August 4, 2017, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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